



TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 264-9636
Fax (978) 264-9630

Planning Department

INTERDEPARTMENTAL COMMUNICATION

To: Zoning Board of Appeals **Date:** October 15, 2009
From: Kristin K. Alexander, AICP, Assistant Planner *KKA*
Subject: ***Board of Appeals Hearing #09-03***
Marsh View LLC – 93 Central Street - Comprehensive Permit

I have reviewed the revised Marsh View (93 Central Street) Comprehensive Permit plans (9/29/09) and the applicant's engineer's response letter dated 9/29/09 (from Acton Survey & Engineering, Inc.). My comments are below. The comments are organized by footnote number/letter from my original comments. My original comments are in regular text below and were footnotes in the Acton Comprehensive Permit Policy Project Evaluation Summary form (attached - for your reference). My updated comments are in ***bold italics***.

If you have any questions, please do not hesitate to contact me.

Updated Comments (based on 9/29/09 revisions)

- ¹ Reviewers should record their evaluation by indicating "Y" (yes) or "N" (no) for each criterion that applies to the project, based on the category that most closely fits the type of project under review.

N/A – no applicant response necessary.

- ² Site is about 5/8 mile from South Acton Village (and the commuter rail station) and about 7/8 mile from West Acton Village. Sidewalks exist along Central Street. The small project scale somewhat offsets the marginal location. The location is within a moderate density area as per Acton 40B Policy.

N/A – no applicant response necessary.

- ³ The Acton Zoning Bylaw (Bylaw) counts mudrooms and basements toward the gross floor area, resulting in a gross floor area of 3,106 square feet / house and an overall gross floor area ratio (FAR) of 0.30 for the site. The FAR listed on Plan Sheet 2 (Master Plan) is inaccurate (0.24 FAR) because the mudrooms and basements were not counted and should have been for all the units.

The applicant's engineer stated in his 9/29/09 letter that his office has not received architectural plans for the project; therefore, cannot compute the net floor area. The letter then goes on to discuss the definition of net floor area.

Acton's Comprehensive Permit Policy discusses appropriate "gross" floor areas; not "net" floor areas for projects. The applicant should provide its engineer with the architectural plans so the engineer can recalculate the floor area and write the correct "gross" floor area on Sheet 2 of 7 of the plan.

- 4 The lack of sidewalk along Pine Ridge Road seems acceptable for this small 4-unit project. A sidewalk exists on Central Street. Staff would recommend that the internal pathway connecting the units to the guest parking spaces (and across Parcel A) be re-designed to loop around Parcel A. By looping the pathway, it will connect each unit to the guest parking and each other, create more useable open space in the center for homeowners, and make a nice paved loop for riding tricycles/bicycles, scooters, etc.

The guest parking area and sidewalks across the common land have been removed from the plan. Staff has no further comments regarding this issue.

- 5 It appears there is more than 50% open around the houses and driveways. This is like yard space rather than dedicated open space, which seems appropriate for the setting and project scale.

N/A – no applicant response necessary.

- 6 Planning Department staff cannot determine whether low-water plantings are proposed. The Plan does state "consideration should be given to drought resistant grasses". Unfortunately, this statement does not require drought resistant grasses. The Board may want to consult with the Acton Water District or the Acton Tree Warden on this issue.

The applicant's engineer letter (9/29/09) states that drought resistant grasses are recommended for the project. A note should be placed on the landscape plan (sheet 6 of 7) under the "Grass" notes that states drought resistant grasses shall be planted for the entire site where grass is proposed. If this is already stated on the plan and staff missed it, please indicate where it is written.

- 7 Where applicable, the Plan appears to be consistent with site plan standards. Subdivision/common driveway standards seem more appropriate than site plan standards in this particular setting. See "other comments" below for more information regarding compliance with the Acton Zoning Bylaw standards.

N/A – no applicant response necessary.

- 8 The project eligibility letter from MassHousing requires the affordable use restriction be perpetual.

N/A – no applicant response necessary.

- a. The side yard setbacks listed on Plan Sheet 2 (Master Plan) are different from the setbacks shown on Plan Sheet 7 (Site Development Plan). The side yard setbacks should be consistent on all Plan sheets.

The applicant's engineer responded that the data is inconsistent between plan sheets because one sheet is based on the Town's GIS data which is inaccurate.

The Town's GIS data should not be used for development plans. The Town GIS website states on its front page:

"Areas depicted by this System are approximate, are for illustration purposes only and do not take the place of a professional survey. The data are not necessarily accurate to mapping, survey, or engineering standards. Areas depicted by this System are not suitable for site-specific

decision-making and have no legal bearing on the true shape, size, location, or existence of a geographic feature, property line, or political boundary line representation.”

It is the responsibility of the applicant’s engineering/surveying firm to provide accurate surveys of the development site in order for Town boards/committees and staff to determine compliance with regulations and the full implications of a proposal.

Staff cannot complete its review of the project until surveys of the property have been completed, certified by a professional land surveyor, and shown accurately and consistently on all plan sheets/application materials.

- b. The applicant should consider planting some landscaping between Units 1 and 2 and between Units 3 and 4 to help provide screening and privacy between the units since windows are proposed on the ends of each unit.

Landscaping has been added to the plan between the units to provide screening and privacy.

After re-examining the application materials, staff has concluded that much of the site will be cleared, leaving very little vegetation between the project and the properties north and east of the site (the Tuttle Drive neighborhood). Additional screening should be provided around the perimeter of the property to minimize the visual impacts of the project on these neighboring properties.

- c. It appears that most common driveway standards in the Acton Zoning Bylaw (Section 3.8.1.5) would need to be waived if the project proceeds as proposed. The waiver request in Section 5 of the Application should be changed to include all of Bylaw Section 3.8.1.5. Planning Department staff defers to the Acton Fire Department and Acton Engineering Department for comments regarding access and traffic flow to/from the site and on-site.

The applicant has now asked for a waiver from Bylaw Section 3.8.1.5 and added a SU-30 vehicle turning area to the plan. Staff still defers to the Acton Fire Department and Acton Engineering Department for comments on access and traffic flow.

- d. It is unclear where Pine Ridge Road will end and Marsh View Way will begin (Marsh View Way is referenced in the legal documents). It is also unclear who will maintain Pine Ridge Road if this project is built. Reading through the deeds, it appears the current property owner (Micol) and the owner(s) of tax map G-2, parcel 123-1, both have rights to use Pine Ridge Road. Does the owner of G-2/123-1 have to sign off on the proposed changes to Pine Ridge Road? This may be a Town Counsel question. Marsh View Way should be labeled on the Plans and the differences between the two access ways (and maintenance responsibilities of each) should be clarified in the legal documents.

The legal documents and/or the plan still need to be amended to distinguish between Pine Ridge Road and Marsh View Way and the maintenance responsibilities for each.

Town Counsel addressed staff’s question regarding if the property owner of G-2/123-1 has to sign off on the proposed changes to Pine Ridge Road (please see Counsel’s memo dated 10/16/09).

- e. It appears the guest parking spaces (off-street parking spaces) may extend slightly into Pine Ridge Road. If so, the guest parking spaces do not comply with Acton Zoning Bylaw (Bylaw) Sections 6.2 (General (Parking) Provisions) and 6.5 (Standard Parking Dimensional Regulations) nor the Acton Comprehensive Permit Rules and Regulations Section 3.14.5.12. No waivers have been requested from these standards/regulations. Staff recommends that the Plan be modified/clarified to demonstrate that the guest parking is located entirely on the site.

The guest parking spaces have been completely removed from the plan. This comment has been addressed.

- f. In the "Declaration of Common Driveway Covenant..." (Declaration) (Section 3 of the Application), Sections II(B) and VI(g) need to be revised to refer to this project; not Richardson Crossing.

This issue has not been addressed.

- g. The appraisal for the property is \$345,000, whereas the P&S is for \$375,000. Is there an embedded 40B bonus to the landowner?

Staff has re-read the pro forma for the project. It appears the pro forma was based on the appraised value of the property (not the purchase price). As a result, this is no longer an issue for staff.

- h. In summary, this is a project that seems to fit without much needed justification into the existing neighborhood due to its small scale, moderate density, and single-family style. The biggest issues related to this project appear to be regarding access (see comments c.-e. above and any comments from the Acton Fire and Engineering Departments) and septic systems (see memo from Justin Snair, Acton Health Department, to Scott Mutch). If these issues can be resolved, this sort of 40B project is one good model that the Town might embrace for certification maintenance purposes should it ever succeed in reaching or exceeding the 10% threshold.

In my opinion, the most significant issues that remain related to this project are:

- ***The site still has not been surveyed; therefore, compliance with Town Bylaws and regulations cannot be determined (see comment a. above);***
- ***Outstanding Acton Fire, Engineering, and Health Department public health, safety, and welfare issues, if any, that still need to be addressed.***

The public hearing should be continued until at least these issues are resolved.